

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

AOB PRODUCTS COMPANY,

Plaintiff,

v.

NANYANG JIANLING TRADING CO.,
LTD.,

Defendant.

Case No. 1:24-cv-00472

JURY TRIAL DEMANDED

**PLAINTIFF AOB PRODUCTS COMPANY'S COMPLAINT FOR
PATENT INFRINGEMENT**

Plaintiff AOB Products Company ("AOB") files this complaint for patent infringement against Nanyang Jianling Trading Co., Ltd. ("Nanyang") alleging, based on its own knowledge as to itself and its own actions, and based on information and belief as to all other matters, as follows:

NATURE OF THE ACTION

1. This is a civil action arising under the patent laws of the United States, 35 U.S.C. § 1 et seq., including specifically 35 U.S.C. § 271, based on Nanyang's willful infringement of U.S. Patent No. 10,514,225 ("the '225 Patent") (attached as "Exhibit A").

THE PARTIES

2. AOB is a Missouri corporation with its principle place of business at 1800 North Route Z, Columbia, Missouri 65202.

3. Upon information and belief, Nanyang is a Chinese corporation with its principal place of business at Chang Chunhua No. 169, Shawoli Village, Longhu Town, Xinzheng City, Henan, China 451191. Upon information and belief, Nanyang provides products through an Amazon.com storefront with a merchant identification number of A3C7UCAJRB3W7H.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) because the claims herein arise under the patent laws of the United States, 35 U.S.C. § 1 et seq., including 35 U.S.C. § 271.

5. This Court has personal jurisdiction over Nanyang in this action because Nanyang, upon information and belief, has committed acts of infringement within the State of Illinois and within this District through, for example, the sale of the Death Grip Tripod in this District. Nanyang regularly transacts business in the State of Illinois and within this District. Nanyang engages in other persistent courses of conduct and derives substantial revenue from products provided in this District and in Illinois, and has purposefully established substantial, systematic, and continuous contacts within this District and should reasonably expect to be sued in a court in this District. Given these contacts, the Court's exercise of jurisdiction over Nanyang will not offend traditional notions of fair play and substantial justice.

6. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b), (c) and 1400(b). Nanyang has committed acts within this District, giving rise to this action. Nanyang continues to conduct business in this District, including one or more acts of making, selling, importing and/or offering for sale infringing products or providing support service to its customers in this District.

FACTUAL BACKGROUND

7. AOB is a wholly owned subsidiary of American Outdoor Brands, Inc., a pre-eminent provider of outdoor sports, recreation, and firearm-related products and accessories in the United States and throughout the world. American Outdoor Brands, Inc., through its predecessors-in-interest (including its most recent predecessor Smith & Wesson Inc.), has been well known in the field of hunting and shooting sports for decades.

8. AOB conceives, designs, produces, sources, and sells products and accessories, including shooting supplies, rests, vaults, and other related accessories; reloading, gunsmithing, and firearm cleaning supplies; lifestyle products, such as premium sportsman knives and tools for fishing and hunting; land management tools for hunting preparedness; harvesting products for post-hunt or post-fishing activities; electro-optical devices, including hunting optics, firearm aiming devices, and laser grips; and survival, camping, and emergency preparedness products.

9. AOB understands and values intellectual property rights and owns in excess of 380 patents and pending patent applications. AOB has approximately thirty-four employees dedicated to research and development activities. In the fiscal years of 2019, 2020, and 2021, AOB's gross spending on research and activities related to the development of new products was \$4.9 million, \$5.0 million, and \$5.4 million, respectively.

10. AOB's extensive product line includes the Caldwell® Precision Turret Shooting Rest; BOG® Deathgrip® Tripods; BOG® Deathgrip® Ultralite; and BOG® Deathgrip® Elevation. In one example, the BOG® Deathgrip® Tripod (shown below) is available at https://www.boghunt.com/deathgrip_quiz/blind-hunting/deathgrip-tripod/1099442.html.



11. AOB complies with the marking requirements of 35 U.S.C. § 287 relating to its products, including those listed in Paragraph 10. Specifically, AOB's virtual patent marking website, available at <https://www.aob.com/patents/>, provides a chart that identifies patents that cover associated products. The virtual patent marking website identifies the '225 Patent as covering the products in Paragraph 10.

12. On January 17, 2018, U.S. Patent Application No. 15/873,620 was filed. U.S. Patent Application No. 15/873,620 was duly and legally issued on December 24, 2019 by the United States Patent and Trademark Office as the '225 Patent, entitled "Firearm shooting rest." The claims of the '225 Patent are directed to "[a] shooting rest and associated methods." Ex. A, '225 Patent at Abstract.

13. On September 13, 2023, AOB informed Nanyang by letter that several of Nanyang's products infringe claims of the '225 Patent. The letter demanded that Nanyang cease all manufacturing, using, offering for sale, or selling any and all products that infringe the '225 Patent, including the Death Grip Tripod.

14. Nanyang provides an Amazon storefront, available at: https://www.amazon.com/sp?ie=UTF8&seller=A3C7UCAJRB3W7H&asin=B0BM6BMQSZ&ref=dp_merchant_link&isAmazonFulfilled=1.

15. Nanyang continues to provide its infringing Death Grip Tripod, available at: https://www.amazon.com/DeathGrips-Lightweight-Adjustable-Hands-Free-Operation/dp/B0BM6BMQSZ/ref=sr_1_5?keywords=deathgrip%2Btripod&qid=1669747468&prefix=deathgrip%2Caps%2C116&sr=8-5&th=1 (attached as "Exhibit B"). Nanyang also provides the Death Grip Tripod through the "Precision hunting" store, available at:

https://www.amazon.com/stores/Precisionhunting/page/D7AAFAB9-A4DB-4D74-8FB3-F4F6162F4F00?ref =ast_bln.

COUNT I

(Infringement of the '225 Patent)

16. AOB incorporates by reference and re-alleges each and every allegation of Paragraphs 1 through 15 as if set forth herein.

17. AOB owns all substantial rights, interest, and title in, and to the '225 Patent, including the sole and exclusive right to prosecute this action and enforce the '225 Patent against infringers, and to collect damages for all relevant times.

18. The '225 Patent is generally directed to “[a] shooting rest and associated methods.” Ex. A, '225 Patent at Abstract.

19. Nanyang has made, had made, imported, supplied, distributed, sold, and/or offered for sale the Death Grip Tripod in this District and elsewhere in the United States.

20. As set forth below, Nanyang directly infringes at least claim 1 of the '225 Patent, either literally or under the doctrine of equivalents, by making, having made, importing, supplying, distributing, selling (directly or through intermediaries), and/or offering for sale, the Death Grip Tripod.

21. For example, Nanyang has infringed claim 1 of the '225 Patent, which recites as follows:

1. A shooting rest for supporting a firearm, the firearm including a trigger and a forward portion forward of the trigger, the shooting rest comprising:

a cradle for supporting the forward portion of the firearm, the cradle including first and second jaws, a bed between the jaws, and an actuator, the first jaw including a first threaded opening, the actuator including a shaft having a first threaded section, the first threaded section being threaded in the first threaded opening, the first and second jaws being movable with respect to the bed to clamp the forward portion of the firearm between the

jaws, the actuator being operable to move the first and second jaws toward each other with respect to the bed to clamp the forward portion of the firearm between the jaws, the actuator configured to move the first jaw by rotation of the first threaded section in the first threaded opening;

wherein the cradle includes first and second wings spaced laterally outboard from the bed, the first jaw being located at least partially between the bed and the first wing, the second jaw being located at least partially between the bed and the second wing;

wherein the first and second jaws each have a retracted position and a clamping position, the jaws being closer to each other in their clamping positions than in their retracted positions, the cradle including a first guide extending between the bed and the first wing, the cradle including a second guide extending between the bed and the second wing, the first jaw including at least one follower movable along the first guide for guiding movement of the first jaw between the retracted and clamping positions, and the second jaw including at least one follower movable along the second guide for guiding movement of the second jaw between the retracted and clamping positions.

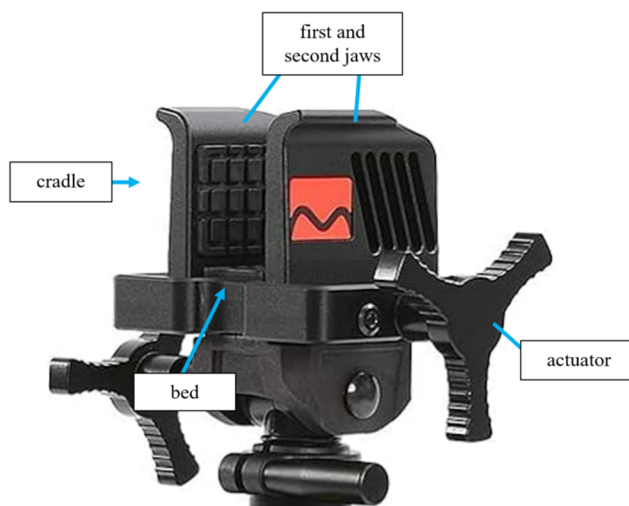
22. The Death Grip Tripod system is “[a] shooting rest for supporting a firearm” as required by claim 1 of the ’225 Patent.



23. The Death Grip Tripod system includes “[a] firearm including a trigger and a forward portion forward of the trigger” as required by claim 1 of the ’225 Patent:



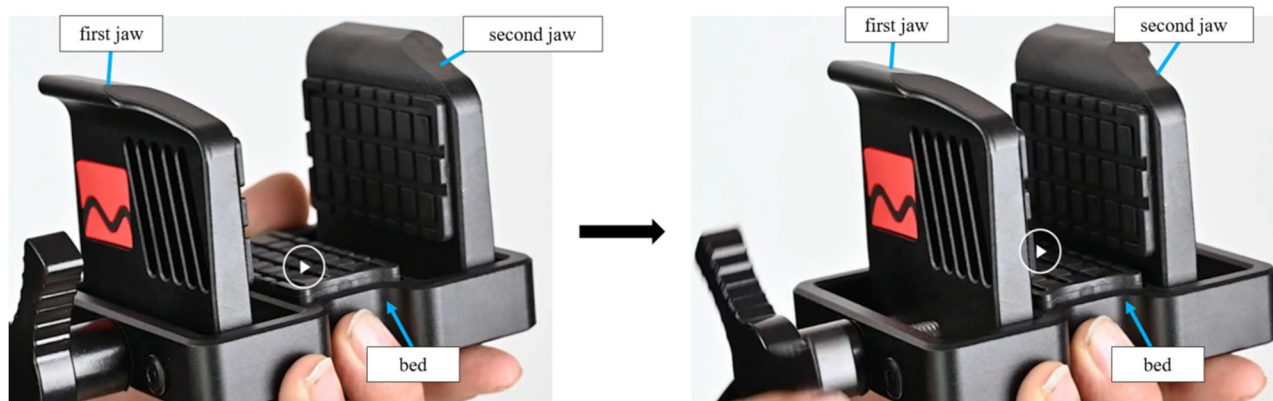
24. The Death Grip Tripod system includes “[a] shooting rest comprising: a cradle for supporting the forward portion of the firearm, the cradle including first and second jaws, a bed between the jaws, and an actuator” as required by claim 1 of the ’225 Patent:



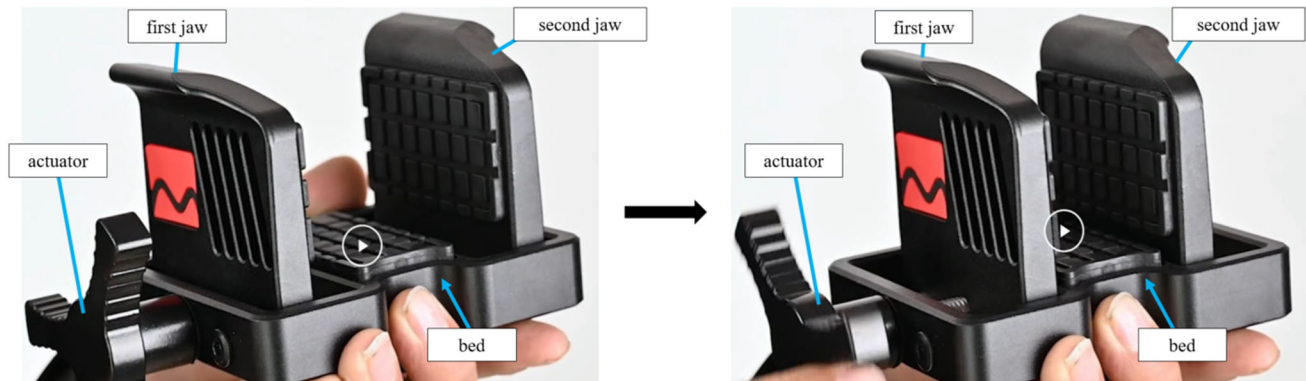
25. The Death Grip Tripod system includes “[a] first jaw including a first threaded opening, the actuator including a shaft having a first threaded section, [and] the first threaded section being threaded in the first threaded opening” as required by claim 1 of the ’225 Patent:



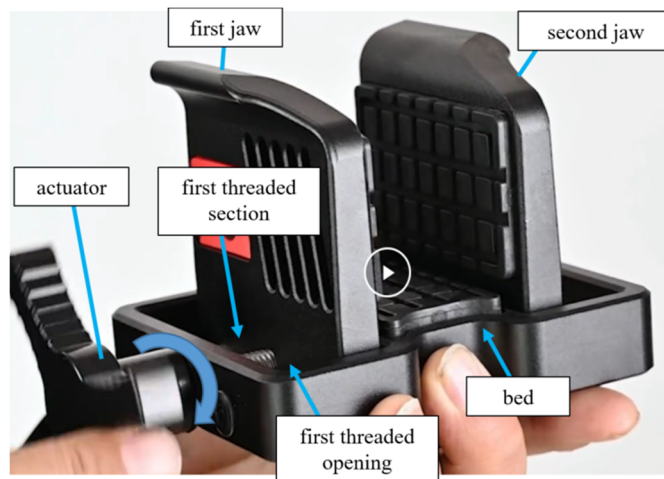
26. The Death Grip Tripod system includes “first and second jaws being movable with respect to the bed to clamp the forward portion of the firearm between the jaws” as required by claim 1 of the ’225 Patent:



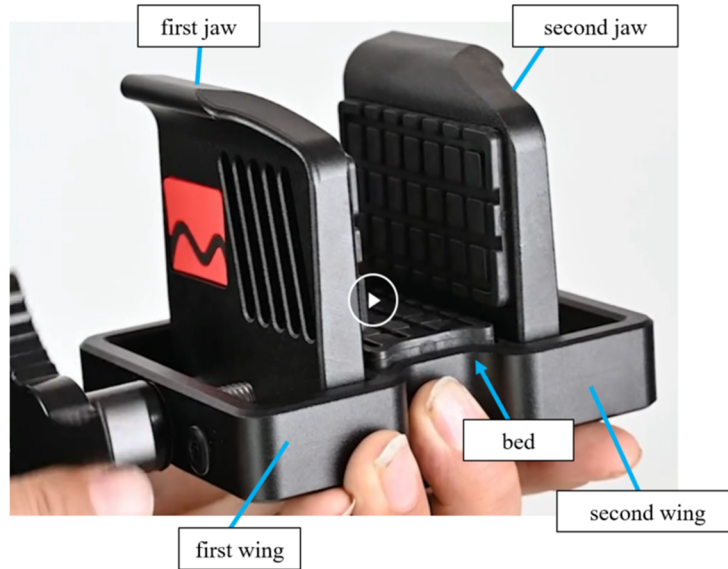
27. The Death Grip Tripod system includes “[an] actuator being operable to move the first and second jaws toward each other with respect to the bed to clamp the forward portion of the firearm between the jaws” as required by claim 1 of the ’225 Patent:



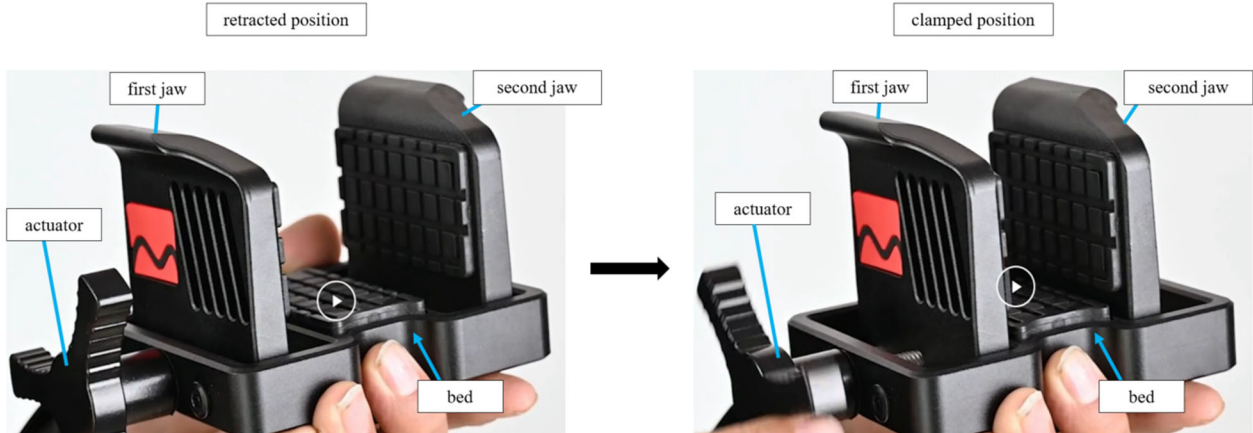
28. The Death Grip Tripod system includes “[an] actuator configured to move the first jaw by rotation of the first threaded section in the first threaded opening” as required by claim 1 of the ’225 Patent:



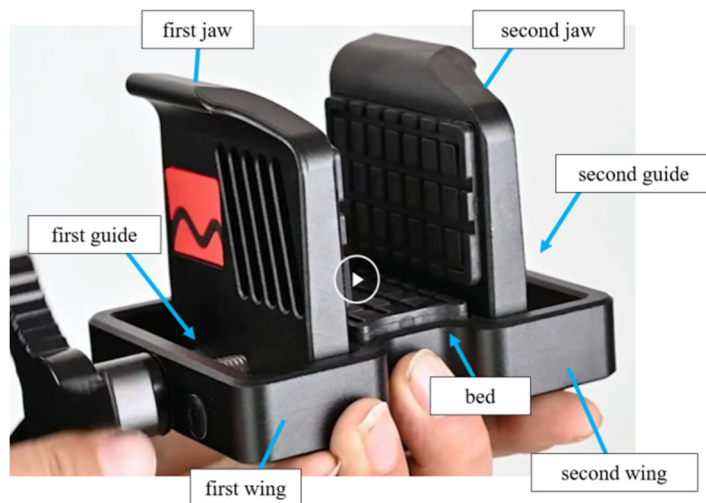
29. The Death Grip Tripod system includes “[a] cradle [that] includes first and second wings spaced laterally outboard from the bed, the first jaw being located at least partially between the bed and the first wing, the second jaw being located at least partially between the bed and the second wing” as required by claim 1 of the ’225 Patent:



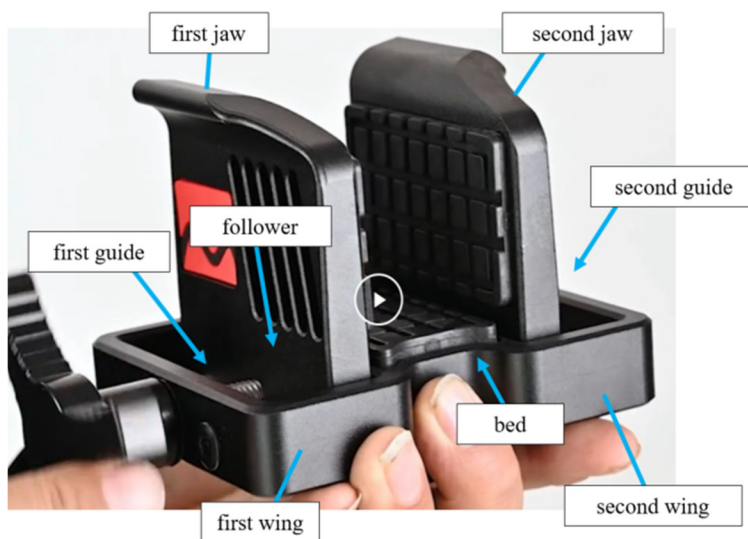
30. The Death Grip Tripod system includes “first and second jaws [that] each have a retracted position and a clamping position, the jaws being closer to each other in their clamping positions than in their retracted positions” as required by claim 1 of the ’225 Patent:



31. The Death Grip Tripod system includes “[a] cradle including a first guide extending between the bed and the first wing, the cradle including a second guide extending between the bed and the second wing” as required by claim 1 of the ’225 Patent:



32. The Death Grip Tripod system includes “[a] first jaw including at least one follower movable along the first guide for guiding movement of the first jaw between the retracted and clamping positions, and the second jaw including at least one follower movable along the second guide for guiding movement of the second jaw between the retracted and clamping positions” as required by claim 1 of the ’225 Patent:



33. Nanyang’s infringement of the ’225 Patent has caused, and will continue to cause, AOB to suffer substantial and irreparable harm.

34. Nanyang's infringement of the '225 Patent will result in loss of market share for AOB. Such losses cannot be adequately compensated for in money damages.

35. Upon information and belief, Nanyang's infringement of the '225 Patent will expose AOB to loss of pricing discretion for AOB's products, including the Caldwell® Precision Turret Shooting Rest, BOG® Deathgrip® Tripods, BOG® Deathgrip® Ultralite, and BOG® Deathgrip® Elevation and price erosion whose magnitude and adverse effects cannot be adequately compensated for in money damages.

36. Nanyang's infringement of the '225 Patent has disrupted, and will disrupt, AOB's customer relationships. Such disruption will result in the formation of customer relationships between Nanyang and AOB's existing customers, the adverse effects of which cannot be adequately compensated for in money damages.

37. Thus, Nanyang is liable to AOB in an amount that compensates it for such infringement, which by law cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

38. Nanyang has been aware that it infringes the '225 Patent since at least September 13, 2023.

39. Nanyang's infringement of the '225 Patent is, has been, and continues to be, willful, intentional, deliberate, and/or in conscious disregard of AOB's rights under the '225 Patent.

DEMAND FOR JURY TRIAL

40. Pursuant to Federal Rule of Civil Procedure 38, AOB hereby demands a jury trial on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, AOB prays for the following judgment and relief against Nanyang:

A. The Court find that Nanyang has directly infringed the Patent-in-Suit and hold Nanyang liable for such infringement;

B. The Court issue an order pursuant to 35 U.S.C. § 283 preliminarily and permanently enjoining Nanyang, and anyone acting or participating by, through or in concert with Nanyang, including but not limited to any online platform including but not limited to Amazon.com, or any other website, website host, website administrator, domain registrar, or internet service provider from infringing the Patent-in-Suit;

C. The Court award damages pursuant to 35 U.S.C. § 284 adequate to compensate AOB for Nanyang's infringement of the Patent-in-Suit, including lost profits and/or a reasonable royalty, such damages to be determined by a jury;

D. The Court award AOB treble damages as a result of Nanyang's willful infringement;

E. The Court award AOB pre- and post-judgment interest at the maximum rate allowed by law;

F. The Court declare that this is an exceptional case within the meaning of 35 U.S.C. § 285 and that AOB be awarded its reasonable attorneys' fees, expenses, and costs incurred in connection with this action; and

G. The Court award such other relief as the Court may deem just and proper.

Dated: January 18, 2024

Respectfully submitted,

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